

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELROY W. BROWNING,

Plaintiff,

v.

JEANNE WOODFORD, et al.,

Defendants.

CASE NO. 1:05-CV-00342-AWI-LJO-P

DISCOVERY ORDER
SCHEDULING ORDER

Unenumerated Rule 12(b)
Motion Deadline - 03/29/06
Discovery Cut-Off Date - 09/29/06
Deadline to Amend Pleadings - 10/30/06
Dispositive Motion Deadline - 11/30/06

Defendant Lopez has answered the complaint filed on March 11, 2005. Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 5-135, and shall only be filed when required by Local Rules 33-250(c), 34-250(c), and 36-250(c);

2. Responses to written discovery requests shall be due forty-five (45) days after the request is first served;

3. To ensure that the responding party has forty-five (45) days after the request is first served to respond, discovery requests must be served at least forty-five (45) days before the discovery deadline;

4. Pursuant to Federal Rule of Civil Procedure 30(a), defendants may depose plaintiff and any other witness confined in a prison upon condition that, at least fourteen (14) days before such a deposition, defendants serve all parties with the notice required by Federal Rule of Civil Procedure

30(b)(1); and

5. If disputes arise about the parties' obligations to respond to requests for discovery, the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal Rules of Civil Procedure and Rules 11-110, 7-130, 7-131, 5-133, 5-135, 6-136, 43-142, and 78-230(m) of the Local Rules of Practice for the United States District Court, Eastern District of California. Unless otherwise ordered, Local Rule 37-251 shall not apply. Pursuant to Federal Rule of Civil Procedure 37(a)(2)(A), a motion to compel must be accompanied by "a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action." A discovery motion that does not comply with all applicable rules will be stricken and may result in imposition of sanctions.

Further:

6. The parties are advised that the deadline for filing motions to dismiss for failure to exhaust the administrative remedies pursuant to the unenumerated portion of Federal Rule of Civil Procedure 12(b) shall be March 29, 2006;

7. The parties are advised that the deadline for the completion of all discovery, including filing motions to compel, shall be September 29, 2006;

8. The deadline for amending the pleadings shall be October 30, 2006;

9. The deadline for filing pre-trial dispositive motions shall be November 30, 2006;¹

10. **A request for an extension of a deadline set in this order must be filed on or before the expiration of the deadline in question; and**

11. **Extensions of time will only be granted on a showing of good cause.**

IT IS SO ORDERED.

Dated: January 3, 2006
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE

¹ The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for failure to exhaust must be filed on or before the deadline separately set forth in this order.